UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,169	08/20/2003	Peter Hans Redweik	11201	5782

26890 7590 08/13/2008

JAMES M. STOVER
TERADATA CORPORATION
2835 MIAMI VILLAGE DRIVE
MIAMISBURG, OH 45342

EXAMINER	
LEMIEUX, JESSICA	
ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
08/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/644,169	REDWEIK, PETER HANS	
	Examiner	Art Unit	
	JESSICA L. LEMIEUX	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) *10,28 and 46* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-27,29-45 and 47-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/19/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office action is in response to the application filed on August 20th, 2003 and in response to the applicant's arguments/amendments filed on May 22nd, 2008. Claims 1-54 are pending, claims 10, 28 and 46 have been cancelled.

Response to Arguments

2. Applicant's arguments, with respect to the objection of claims 14, 16, 32, 34, 50 and 52 have been fully considered and are persuasive in view of the amended claim language. The objection of claims 14, 16, 32, 34, 50 and 52 has been withdrawn.

3. Applicant's arguments, with respect to the 35 U.S.C. 112, second paragraph rejection of claims 18, 36 and 54 have been fully considered and are persuasive in view of the amended claim language. The 35 U.S.C. 112, second paragraph rejection of claims 18, 36 and 54 has been withdrawn.

4. Applicant's arguments have been fully considered but they are not persuasive. Applicant states that the prior art does "not teach or suggest NPV attrition rules, forecast rules, attrition rates, effective attrition rates, or the specific steps or functions."

Sandretto teaches matching the matched accounts to results of NPV forecast rules (column 8, lines 65-67), obtaining an attrition rate for the matched accounts (column 9, lines 2-7), calculating an effective attrition rate (column 9, lines 2-9) for each forecast period (column 10, lines 1-7), performing the NPV attrition rule (column 9, lines 2-9) and storing the NPV expected value (column 23, lines 25-26 and column 24, lines 17-23).

Examiner notes that applicant's specification conceptually defines attrition rates as "the rate at which a cash flow will be decreased" (page 8, lines 25-26). Johnson teaches a discount factor. One skilled in the art at the time the invention was made would understand that a discount factor is a rate used to discount or decrease future cash flow. Sandretto also teaches applying attrition rules/risk/rates (abstract & column 8, line 60-column 9, line 9).

Examiner further notes that propensity is the probability that something is likely to happen, a risk measure. Johnson teaches risk. One skilled in the art at the time the invention was made would understand that propensity rules are rules that measure and determine risk, and consequently rates used to discount or decrease future cash flow to obtain a net present value. Sandretto further teaches applying propensity rules/amounts/rates (abstract & column 4, lines 13-16 & column 5, lines 12-14). Therefore, it would have also been obvious to one skilled in the art at the time the invention was made that propensity rules are rules that measure and determine risk and are used as taught by Johnson and Sandretto in order to determine an asset's discount rate and therefore future value.

Examiner lastly notes that applying both attrition and propensity rates/rules/etc. as measures of risk as taught by Johnson and Sandretto allow for accounting for both the increases and decreases of value needed to more accurately estimate future value resulting from expected price changes such as inflation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 7, 10, 19-23, 25, 28, 37-41, 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Number 5,812,988 to Sandretto (hereinafter Sandretto).

As per claims 1, 19 and 37

Johnson discloses selecting accounts, amounts and rates (asset data) from account data stored in a database using selection criteria specified by one or more rules (column 4, lines 10-19) and performing one or more Net Present Value (NPV) calculations on the selected accounts by applying one or more NPV attrition rules (discount factor) to the selected accounts using the selected amounts and rates, wherein the NPV calculations determine a present value of an expected profitability value (score) of current products (column 9, lines 3-26). Johnson further discloses matching the NPV attrition rule against the selected accounts (column 4, lines 10-15 and column 9, lines 3-11) and calculating an NPV expected value using the effective attrition rate (column 9, lines 3-11). Examiner notes that Johnson further discloses assessing asset and respective data using an iterative and adaptive process (column 4, lines 10-13).

Examiner notes that applicant's specification conceptually defines attrition rates as "the rate at which a cash flow will be decreased" (page 8, lines 25-26). Johnson teaches a discount factor. One skilled in the art at the time the invention was made would understand that a discount factor is a rate used to discount or decrease future cash flow to obtain a net present value (NPV).

Johnson does not specifically teach matching the matched accounts to results of NPV forecast rules, obtaining an attrition rate for the matched accounts, calculating an effective attrition rate for each forecast period, performing the NPV attrition rule to calculate an NPV expected value using the effective attrition rate and storing the NPV expected value.

Sandretto teaches matching the matched accounts to results of NPV forecast rules (column 8, lines 65-67), obtaining an attrition rate for the matched accounts

(column 9, lines 2-7), calculating an effective attrition rate (column 9, lines 2-9) for each forecast period (column 10, lines 1-7), performing the NPV attrition rule (column 9, lines 2-9) and storing the NPV expected value (column 23, lines 25-26 and column 24, lines 17-23).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the process of matching the matched accounts to results of NPV forecast rules, obtaining an attrition rate for the matched accounts, calculating an effective attrition rate for each forecast period, performing the NPV attrition rule to calculate an NPV expected value using the effective attrition rate and storing the NPV expected value as taught by Sandretto to account for both the increases and decreases of value needed to more accurately estimate future value based upon the iterative and adaptive process disclosed by Johnson.

As per claims 2, 20 and 38

Johnson does not specifically teach applying NPV forecast rules to the selected accounts and applying the NPV attrition rules to results of the forecast rules.

Sandretto teaches applying NPV forecast rules to the selected accounts and applying the NPV attrition rules to results of the forecast rules (column 8, line 60-column 9, line 9).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to apply NPV forecast rules to the selected accounts and applying the NPV attrition rules to results of the forecast rules as taught by Sandretto to account for both the increases and decreases of value needed to more accurately estimate future value.

As per claims 3, 21 and 39

Johnson discloses the NPV is a net present profitability value (column 9, lines 1-2).

As per claims 4, 22 and 40

Johnson discloses the selected accounts contain current profitability values and (current appraisal amount) (column 18, lines 8-20). Examiner notes that C_o is the investment at time 0 and therefore it would have been obvious to one skilled in the art at the time the invention was made that a current profitability value would be the value at the present time, time 0.

As per claims 5, 23 and 41

Johnson discloses the current profitability data is aggregated to provide an initial amount for the NPV calculations (C_o) (column 9, lines 6 and 9).

As per claims 7, 25 and 43

Johnson discloses the selected rates are NPV attrition rates (discount factor) (column 9, lines 3-10).

As per claims 10, 28 and 46

6. Claims 6, 24 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Number 5,812,988 to Sandretto (hereinafter Sandretto) further in view of US Patent Number 5,852,811 to Atkins (hereinafter Atkins).

As per claims 6, 24 and 42

Johnson and Sandretto do not specifically teach the selected amounts are forecast amounts.

Atkins discloses the selected amounts are forecast amounts (projected future value of the asset) (column 25, lines 39-45 & 59-65).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that the selected amounts are forecast amounts as taught by Atkins as a type of selected amount found in the database to select in order to determine values and rates regarding the asset utilizing the time value money equations.

7. Claims 8-9, 11-17, 26-27, 29-35, 44-45 and 47-53 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Number 5,812,988 to Sandretto (hereinafter Sandretto) further in view of the Fundamentals of Financial Management by Kuhlemeyer (hereinafter Kuhlemeyer).

As per claims 8, 26 and 44

Johnson and Sandretto do not specifically teach a user specifies one or more forecast periods over which the NPV calculations are performed.

Kuhlemeyer teaches a user specifies one or more forecast periods over which the NPV calculations are performed (slides 5, 10 and 11).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to permit a user to specify one or more forecast periods over which the NPV calculations are performed as taught by Kuhlemeyer to allow comparisons of future values at different time periods. It is required to recognize a range of situations including the worst case in order to make a business judgment considering a measure for risk management.

As per claims 9, 27 and 45

Johnson and Sandretto do not specifically teach a user specifies one or more rates for the forecast periods.

Kuhlemeyer teaches a user specifies one or more rates for the forecast periods (slides 5, 10 and 11).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to permit a user to specify one or more rates for the forecast periods as taught by Kuhlemeyer to allow comparisons of future values at different time periods using specific rates. It is required to recognize a range of situations including the worst case in order to make a business judgment considering a measure for risk management.

As per claims 11, 29 and 47

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson and Sandretto do not specifically teach the NPV attrition rule comprises a Constant (no compounding) method according to:

$Amount_i = Amount_o * (1 + R_o) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, R_o is the initial rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period.

Kuhlemeyer teaches teach the NPV attrition rule comprises a Constant (no compounding) method according to:

$Amount_i = Amount_o * (1 + R_o) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), R_o is the initial rate (i), i is the forecast period (n), j is the first month in a forecast period, and k is the last month in a forecast period (slides 6, 8, & 11). Examiner notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV attrition rule comprises a Constant (no compounding) method according to:

$Amount_i = Amount_o * (1 + R_o) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, R_o is the initial rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period as a specific time value of money equation as taught by Kuhlemeyer to allow for a calculation of the future value of present money without compounding.

As per claims 12, 30 and 48

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson and Sandretto do not specifically teach the NPV attrition rule comprises a Constant (with compounding) method according to:

$Amount_i = Amount_o * (1 + R_m)^i * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, R_m is the monthly rate, i is the

forecast period, j is the first month in a forecast period, and k is the last month in a forecast period.

Kuhlemeyer teaches the NPV attrition rule comprises a Constant (with compounding) method according to:

$Amount_i = Amount_o * (1 + R_m)^i * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), R_m is the monthly rate (i), i is the forecast period (n), j is the first month in a forecast period, and k is the last month in a forecast period (slides 8, 11 & 24). Examiner notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV attrition rule comprises a Constant (with compounding) method according to:

$Amount_i = Amount_o * (1 + R_m)^i * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, R_m is the monthly rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period as a specific time value of money equation as taught by Kuhlemeyer to allow for a calculation of the future value of present money with compounding.

As per claims 13, 31 and 49

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson and Sandretto do not specifically teach the NPV attrition rule comprises an Additive (no compounding) method according to:

$Amount_i = Amount_o * (1 + i * (R_o / 12)) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, R_o is the initial rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period.

Kuhlemeyer teaches the NPV attrition rule comprises an Additive (no compounding) method according to:

$Amount_i = Amount_o * (1 + i * (R_o / 12)) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), R_o is the initial rate (i), i is the forecast period (n), j is the first month in a forecast period, and k is the last month in a forecast period (slides 8, 11 & 24). Examiner notes that $(i * (R_o / 12))$ can be rearranged to its equivalent $(R_o * (i / 12))$. Therefore, although Kuhlemeyer does not specifically teach (i/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use (i/12) to denote a rate proportionate to the duration of time year to enable use of the same equation for shorter periods of time. Examiner further notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV attrition rule comprises an Additive (no compounding) method according to:

$Amount_i = Amount_o * (1 + i * (R_o / 12)) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, R_o is the initial rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period as a specific value of money equation as taught by Kuhlemeyer to allow for an additive calculation of the future value of present money without compounding.

As per claims 14, 32 and 50

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson and Sandretto do not specifically teach the NPV attrition rule comprises an Additive (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period (n), j is the first month in a forecast period, k is the last month in a forecast period, and Compounded_Rate is $Rate_1 * Rate_2 * ... * Rate_i$ (i).

Kuhlemeyer teaches the NPV attrition rule comprises an Additive (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period, j is the first month in a forecast period, k is the last month in a forecast period, and Compounded_Rate is $Rate_1 * Rate_2 * ... * Rate_i$ (slides 8, 11 & 24). Examiner notes that a compounded rate to one skilled in the art at the time the invention was made would be found by $(1+Rate_1)*(1+Rate_2)*...*(Rate_j)$, whereby when the rates are equivalent would be the equivalent of $(1+Rate)^j$ which the reference clearly shows in slides 8 and 11. However, as written examiner notes that Compounded_Rate is $Rate_1 * Rate_2 * ... * Rate_i$ whereby when the rates are equivalent could be rewritten as $Rate^j$. $Rate^j$ is in essence another value or rate that the reference teaches in slides 8 and 11. Examiner further notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV attrition rule comprises an Additive (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period (n), j is the first month in a forecast period, k is the last month in a forecast period, and Compounded_Rate is $Rate_1 * Rate_2 * ... * Rate_i$ (i) as taught by Kuhlemeyer to allow for an additive calculation of the future value of present money with compounding.

As per claims 15, 33 and 51

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson and Sandretto do not specifically teach the NPV attrition rule comprises a Manual (no compounding) method according to:

$Amount_i = Amount_0 * (1 + R_{man}) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, R_{man} is the manual rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period.

Kuhlemeyer teaches the NPV attrition rule comprises a Manual (no compounding) method according to:

$Amount_i = Amount_0 * (1 + R_{man}) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), R_{man} is the manual rate (i), i is the forecast period (n), j is the first month in a forecast period, and k is the last month in a forecast period (slides 8, 11 & 24). Examiner notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV attrition rule comprises a Constant (with compounding) method according to:

$Amount_i = Amount_o * (1 + R_m)^i * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, R_m is the monthly rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period as a specific time value of money equation as taught by Kuhlemeyer to allow for a manual calculation of the future value of present money without compounding.

As per claims 16, 34 and 52

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson and Sandretto do not specifically teach the NPV attrition rule comprises a Manual (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, i is the forecast period, j is the first month in a forecast period, k is the last month in a forecast period, and $Compounded\_Rate$ is $Rate_1 * Rate_2 * ... * Rate_i$.

Kuhlemeyer teaches the NPV attrition rule comprises a Manual (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period, j is the first month in a forecast period, k is the last month in a forecast period, and $Compounded\_Rate$ is $Rate_1 * Rate_2 * ... * Rate_i$ (slides 8, 11 & 24). Examiner notes that a compounded rate to one skilled in the art at the time the invention was made would be found by $(1+Rate_1)*(1+Rate_2)*...*(Rate_j)$, whereby when the rates

are equivalent would be the equivalent of $(1+Rate)^j$ which the reference clearly shows in slides 8 and 11. However, as written examiner notes that Compounded_Rate is $Rate_1$ * $Rate_2$ * ... * $Rate_i$ whereby when the rates are equivalent could be rewritten as $Rate^j$. $Rate^j$ is in essence another value or rate that the reference teaches in slides 8 and 11. Examiner further notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV attrition rule comprises a Manual (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period (n), j is the first month in a forecast period, k is the last month in a forecast period, and Compounded_Rate is $Rate_1$ * $Rate_2$ * ... * $Rate_i$ (i) as taught by Kuhlemeyer to allow for an additive calculation of the future value of present money with compounding.

As per claims 17, 35 and 53

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson and Sandretto do not specifically teach the NPV attrition rule comprises a Constant method according to:

$Amount_i = Amount_o$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, and i is the forecast period.

Kuhlemeyer teaches the NPV attrition rule comprises a Constant method according to:

$Amount_i = Amount_o$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), and i is the forecast period (n) (slide 3).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV attrition rule comprises a Constant method according to:

$Amount_i = Amount_o$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, and i is the forecast period as taught by Kuhlemeyer to allow for a constant calculation of the future value of present money.

Allowable Subject Matter

8. Claims 18, 36 and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. LEMIEUX whose telephone number is (571)270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/J. L. L./
Examiner, Art Unit 3693
August 2008

Jessica L Lemieux
Examiner
Art Unit 3693